

Introduced by Senator Cox

February 23, 2007

An act to amend Section 130105 of the Health and Safety Code, relating to child development.

LEGISLATIVE COUNSEL'S DIGEST

SB 688, as introduced, Cox. California Children and Families Program: communications.

(1) The California Children and Families Act of 1998, an initiative measure, requires that the California Children and Families Program, established by the act, be funded by certain taxes imposed on the sale and distribution of cigarettes and tobacco products and deposited into the California Children and Families Trust Fund, and that the fund be used for the implementation of comprehensive early childhood development and smoking prevention programs. Existing law specifies that 6% of moneys allocated and appropriated from the fund shall be deposited in a Mass Media Communications Account for expenditures by the California Children and Families Commission, also known as First 5 California, for communications to the general public utilizing the mass media on subjects relating to, and furthering the goals and purposes of, the act.

This bill would prohibit any funds from being expended from that or any other allocation to the state commission advocating or promoting programs or activities that are not expressly authorized by a statute enacted by the Legislature or an initiative enacted by the voters.

(2) The California Constitution provides that the Legislature may amend an initiative statute by another statute that becomes effective only when approved by the voters unless the initiative statute permits amendment without voter approval. The act provides that it may be

amended only by a vote of $\frac{2}{3}$ of the membership of both houses of the Legislature and that all amendments to the act shall be to further the act and must be consistent with its purposes.

This bill, in conformance with those requirements, would declare that its provisions further the act and are consistent with its purposes.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 130105 of the Health and Safety Code
2 is amended to read:

3 130105. The California Children and Families Trust Fund is
4 hereby created in the State Treasury.

5 (a) The California Children and Families Trust Fund shall
6 consist of moneys collected pursuant to the taxes imposed by
7 Section 30131.2 of the Revenue and Taxation Code.

8 (b) All costs to implement this act shall be paid from moneys
9 deposited in the California Children and Families Trust Fund.

10 (c) The State Board of Equalization shall determine within one
11 year of the passage of this act the effect that additional taxes
12 imposed on cigarettes and tobacco products by this act has on the
13 consumption of cigarettes and tobacco products in this state. To
14 the extent that a decrease in consumption is determined by the
15 State Board of Equalization to be the direct result of additional
16 taxes imposed by this act, the State Board of Equalization shall
17 determine the fiscal effect the decrease in consumption has on the
18 funding of any Proposition 99 (the Tobacco Tax and Health
19 Protection Act of 1988) state health-related education or research
20 programs in effect as of November 1, 1998, and the Breast Cancer
21 Fund programs that are funded by excise taxes on cigarettes and
22 tobacco products. Funds shall be transferred from the California
23 Children and Families Trust Fund to those affected programs as
24 necessary to offset the revenue decrease directly resulting from
25 the imposition of additional taxes by this act. These reimbursements
26 shall occur, and at any times, as determined necessary to further
27 the intent of this subdivision.

28 (d) Moneys shall be allocated and appropriated from the
29 California Children and Families Trust Fund as follows:

1 (1) Twenty percent shall be allocated and appropriated to
2 separate accounts of the state commission for expenditure
3 according to the following formula:

4 (A) Six percent shall be deposited in a Mass Media
5 Communications Account for expenditures for communications
6 to the general public utilizing television, radio, newspapers, and
7 other mass media on subjects relating to and furthering the goals
8 and purposes of this act, including, but not limited to, methods of
9 nurturing and parenting that encourage proper childhood
10 development, the informed selection of child care, information
11 regarding health and social services, the prevention and cessation
12 of tobacco, alcohol, and drug use by pregnant women, the
13 detrimental effects of secondhand smoke on early childhood
14 development, and to ensure that children are ready to enter school.
15 *No funds shall be expended from this or any other allocation to*
16 *the state commission on communications advocating or promoting*
17 *programs or activities that are not expressly authorized by a statute*
18 *enacted by the Legislature or an initiative enacted by the voters.*

19 (B) Five percent shall be deposited in an Education Account
20 for expenditures to ensure that children are ready to enter school
21 and for programs relating to education, including, but not limited
22 to, the development of educational materials, professional and
23 parental education and training, and technical support for county
24 commissions in the areas described in subparagraph (A) of
25 paragraph (1) of subdivision (b) of Section 130125.

26 (C) Three percent shall be deposited in a Child Care Account
27 for expenditures to ensure that children are ready to enter school
28 and for programs relating to child care, including, but not limited
29 to, the education and training of child care providers, the
30 development of educational materials and guidelines for child care
31 workers, and other areas described in subparagraph (B) of
32 paragraph (1) of subdivision (b) of Section 130125.

33 (D) Three percent shall be deposited in a Research and
34 Development Account for expenditures to ensure that children are
35 ready to enter school and for the research and development of best
36 practices and standards for all programs and services relating to
37 early childhood development established pursuant to this act, and
38 for the assessment and quality evaluation of those programs and
39 services.

1 (E) One percent shall be deposited in an Administration
2 Account for expenditures for the administrative functions of the
3 state commission. Any funds not needed for the administrative
4 functions of the state commission may be transferred to the
5 Unallocated Account described in subparagraph (F), upon approval
6 by the state commission.

7 (F) Two percent shall be deposited in an Unallocated Account
8 for expenditure by the state commission for any of the purposes
9 of this act described in Section 130100 provided that none of these
10 moneys shall be expended for the administrative functions of the
11 state commission.

12 (G) In the event that, for whatever reason, the expenditure of
13 any moneys allocated and appropriated for the purposes specified
14 in subparagraphs (A) to (F), inclusive, is enjoined by a final
15 judgment of a court of competent jurisdiction, then those moneys
16 shall be available for expenditure by the state commission for mass
17 media communication emphasizing the need to eliminate smoking
18 and other tobacco use by pregnant women, the need to eliminate
19 smoking and other tobacco use by persons under 18 years of age,
20 and the need to eliminate exposure to secondhand smoke.

21 (H) Any moneys allocated and appropriated to any of the
22 accounts described in subparagraphs (A) to (F), inclusive, that are
23 not encumbered or expended within any applicable period
24 prescribed by law shall (together with the accrued interest on the
25 amount) revert to and remain in the same account for the next
26 fiscal period.

27 (2) Eighty percent shall be allocated and appropriated to county
28 commissions in accordance with Section 130140.

29 (A) The moneys allocated and appropriated to county
30 commissions shall be deposited in each local Children and Families
31 Trust Fund administered by each county commission, and shall
32 be expended only for the purposes authorized by this act and in
33 accordance with the county strategic plan approved by each county
34 commission.

35 (B) Any moneys allocated and appropriated to any of the county
36 commissions that are not encumbered or expended within any
37 applicable period prescribed by law shall (together with the accrued
38 interest on the amount) revert to and remain in the same local
39 Children and Families Trust Fund for the next fiscal period under
40 the same conditions as set forth in subparagraph (A).

1 (e) All grants, gifts, or bequests of money made to or for the
2 benefit of the state commission from public or private sources to
3 be used for early childhood development programs shall be
4 deposited in the California Children and Families Trust Fund and
5 expended for the specific purpose for which the grant, gift, or
6 bequest was made. The amount of any such grant, gift, or bequest
7 shall not be considered in computing the amount allocated and
8 appropriated to the state commission pursuant to paragraph (1) of
9 subdivision (d).

10 (f) All grants, gifts, or bequests of money made to or for the
11 benefit of any county commission from public or private sources
12 to be used for early childhood development programs shall be
13 deposited in the local Children and Families Trust Fund and
14 expended for the specific purpose for which the grant, gift, or
15 bequest was made. The amount of any such grant, gift, or bequest
16 shall not be considered in computing the amount allocated and
17 appropriated to the county commissions pursuant to paragraph (2)
18 of subdivision (d).

19 SEC. 2. The Legislature finds and declares that this act furthers
20 the California Children and Families Act of 1998, enacted by
21 Proposition 10 at the November 3, 1998, statewide general election,
22 and is consistent with its purposes.